

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas
Houston, Texas

BC MAR 29 2004

Michael N. Milby, Clerk

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IN RE ENRON CORPORATION
SECURITIES, DERIVATIVE, &
"ERISA" LITIGATION

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:
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:
MDL-1446

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This Document Relates to:
MARK NEWBY, ET AL.,
PLAINTIFFS,

VS.

:
:
:
:
CIVIL ACTION NO. H-01-3624
CONSOLIDATED CASES

ENRON CORPORATION, ET AL.,
DEFENDANTS.
-----X

MOTION OF THE OUTSIDE DIRECTOR DEFENDANTS
(UNOPPOSED BY LEAD PLAINTIFF)
FOR CONFIDENTIALITY ORDER

Defendants Robert A. Belfer, Norman P. Blake, Jr., Ronnie C. Chan, John H. Duncan, Joe H. Foy, Wendy L. Gramm, Robert K. Jaedicke, Charles A. LeMaistre, John Mendelsohn, Jerome Meyer, Charls E. Walker, John Wakeham, and Herbert Winokur, Jr. (collectively the "Outside Director Defendants") respectfully submit this Motion for Confidentiality Order with respect to the documents listed on the Outside Director Defendants' "Confidential Documents Log" (attached hereto as Exhibit "1"). The Outside Director Defendants have conferred with the Lead Plaintiff in *Newby*, and Lead Plaintiff has represented to the Outside Director Defendants it does not oppose this Motion. In further support of this Motion, movants respectfully show the Court the following:

1. In accordance with the Court's July 9, 2003 Order (*Newby* Instrument No. 1548), the Outside Director Defendants will produce unredacted versions of previously redacted

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documents that contain information responsive to Plaintiff's requests. These documents contain confidential personal information regarding the Outside Director Defendants. These documents are listed on the Outside Director Defendants' Confidential Documents Log. (*See* Ex. "1").

2. The Outside Director Defendants respectfully request the Court enter the proposed Confidentiality Order (attached hereto), which provides the documents listed on the Outside Director Defendants' Confidential Documents Log, and the information reflected therein, (a) shall be used by all parties in the *In re Enron Corporation Securities, Derivative and "ERISA" Litigation* (including all consolidated, related, and coordinated cases) (collectively, the "Consolidated Actions"), solely in and for the purposes of the Consolidated Actions and shall not be disclosed to anyone other than counsel of record in those cases, employees of counsel of record, employees of parties in the Consolidated Actions for the purposes of assisting or consulting with counsel in those Actions or in preparation for or during their depositions or trial testimony, nonparty witnesses during their depositions or trial testimony, experts retained by parties in the Consolidated Actions and the court-ordered mediator in these actions, each of whom shall restrict use and disclosure of such documents, written discovery, and information as provided in this paragraph; and (b) shall not be filed with any court without first obtaining the consent of the Outside Director Defendants.

3. Nothing in the proposed Confidentiality Order shall prevent any party to the Consolidated Actions (including but not limited to the Lead Plaintiff in *Newby*) from subsequently challenging the Outside Director Defendants' designation of the documents listed on its Confidential Documents Log as confidential (including but not limited to seeking appropriate relief from the Court).

Respectfully submitted,

GIBBS & BRUNS, L.L.P.

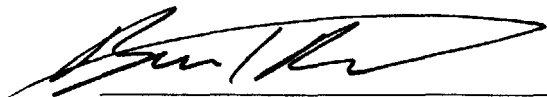
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LEMAISTRE, JOHN MENDELSON, JEROME MEYER, CHARLS
E. WALKER, JOHN WAKEHAM, AND HERBERT WINOKUR, JR.**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served by electronic posting to
www.ESL3624.com on this 29th day of March, 2004.



Brian T. Ross

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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SECURITIES, DERIVATIVE, &	:	MDL-1446
"ERISA" LITIGATION	:	
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VS.	:	CONSOLIDATED CASES
	:	
ENRON CORPORATION, ET AL.,	:	
DEFENDANTS.	:	
	:	
-----X	:	

CONFIDENTIALITY ORDER

Pending before the Court is the Motion for Confidentiality Order filed by Robert A. Belfer, Norman P. Blake, Jr., Ronnie C. Chan, John H. Duncan, Joe H. Foy, Wendy L. Gramm, Robert K. Jaedicke, Charles A. LeMaistre, John Mendelsohn, Jerome Meyer, Charls E. Walker, John Wakeham, and Herbert Winokur, Jr. (collectively the "Outside Director Defendants"). The Motion requests a Confidentiality Order. Lead Plaintiff in *Newby* has represented to the Outside Director Defendants that it does not oppose the Motion. The Court, having considered the Motion, hereby:

ORDERS that the Motion is granted.

IT IS FURTHER ORDERED that:

1. All documents listed on the Outside Director Defendants' Confidential Documents Log, and the information reflected therein, (a) shall be used by all parties in the *In re Enron Corporation Securities, Derivative and "ERISA" Litigation* (including all consolidated,

related, and coordinated cases) (collectively, the "Consolidated Actions"), solely in and for the purposes of the Consolidated Actions and shall not be disclosed to anyone other than counsel of record in those cases, employees of counsel of record, employees of parties in the Consolidated Actions for the purposes of assisting or consulting with counsel in those actions or in preparation for or during their depositions or trial testimony, nonparty witnesses during their depositions or trial testimony, experts retained by parties in the Consolidated Actions and the court-ordered mediator in these actions, each of whom shall restrict use and disclosure of such documents, written discovery, and information as provided in this paragraph, and (b) shall not be filed with any court without first obtaining the consent of the Outside Director Defendants.

2. Nothing in this Confidentiality Order shall prevent any party to the Consolidated Actions (including but not limited to the Lead Plaintiff in *Newby*) from subsequently challenging the Outside Director Defendants' designation of the documents listed on its Confidential Documents Log as confidential (including but not limited to seeking appropriate relief from the Court).

SIGNED at Houston, Texas, this ____ day of _____, 2004.

HON. MELINDA HARMON
UNITED STATES DISTRICT JUDGE

The Exhibit(s) May
Be Viewed in the
Office of the Clerk